

**STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION**

Before the Commissioner of the Office of Financial & Insurance Regulation

In the Matter of:

Doris J. Livingston

Enforcement Case No. 10-7543

System ID No.: 0056378

Respondent.

Issued and entered
on 6/4/2010, 2010
by Stephen R. Hilker
Chief Deputy Commissioner

CONSENT ORDER AND STIPULATION

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. At all pertinent times involved herein, Doris J. Livingston was a resident insurance producer licensed to transact the business of insurance in the State of Michigan.
2. On or about August 10, 2009, the Office of Financial and Insurance Regulation (OFIR) received a complaint alleging that the Respondent had violated her fiduciary duties in the conduct of her business as insurance producer.
3. The complaint alleged that Respondent embezzled several customers' premiums between February, 2009, and June, 2009.
4. The complaint alleged that the total amount embezzled was \$1,541.90. During the course of OFIR's investigation, Respondent stated that she repaid that entire amount to her employer.
5. Respondent denied embezzling the money stating that she repaid the entire sum of money "for the sake of maintaining her job and because of threats of her immediate arrest."
6. During the course of the investigation, Respondent admitted that she opened an automobile policy on her own behalf and failed to pay the premiums due in a timely manner. Respondent allowed the premiums she was responsible for to be paid with the

funds in her employer's client account; said funds were deposited by and held for other insureds for the purpose of paying their premiums.

7. As a licensed insurance producer, Respondent knew or had reason to know that Section 1207(1) of the Michigan Insurance Code (Code) states that an agent shall be a fiduciary for all money received or held by the agent in his or her capacity as an agent. Failure by an agent in a timely manner to turn over the money which he or she holds in a fiduciary capacity to the persons to whom they are owed is prima facie evidence of violation of the agent's fiduciary responsibility.
8. As a licensed insurance producer, Respondent further knew or had reason to know that Section 1239(1)(d) of the Code allows the Commissioner to place on probation, suspend, or revoke an insurance producer's license or may levy a civil fine under section 1244 for improperly withholding, misappropriating, or converting any money or property received in the course of doing insurance business.
9. As a licensed insurance producer, Respondent further knew or had reason to know that Section 1239(1)(h) of the Code allows the Commissioner to place on probation, suspend, or revoke an insurance producer's license or levy a civil fine under Section 1244 for using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.
10. Based on the conduct described above, Responder violated Section 1207(1), Section 1239(1)(d), and Section 1239(1)(h) of the Code.

ORDER

Based on the findings of fact and conclusions of law above, and Respondent's stipulation to said facts, it is hereby **ORDERED** that:

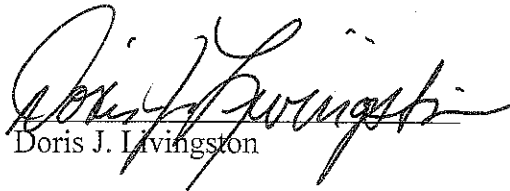
1. Respondent, Doris J. Livingston, shall immediately cease and desist from operating in a manner that violates Sections 1207 and 1239 of the Code, MCL 500.1207 and 500.1239.
2. Respondent, Doris J. Livingston, shall pay to the State of Michigan, through OFIR, a civil fine of \$2,500. Respondent shall pay the fines within 30 days of the invoice date indicated on the OFIR invoice.



Stephen R. Hilker
Chief Deputy Commissioner

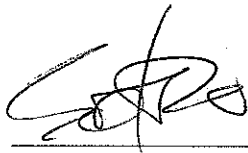
STIPULATION

Respondent has read and understands the consent order above. Respondent agrees that the Chief Deputy Commissioner has jurisdiction and authority to issue this consent order pursuant to the Insurance Code. Respondent waives the right to a hearing in this matter if this consent order is issued. Respondent understands that this stipulation and consent order will be presented to the Chief Deputy Commissioner for approval and the Chief Deputy Commissioner may or may not issue this consent order. Respondent waives any objection to the Commissioner deciding this case following a hearing in the event the consent order is not approved. Respondent neither admits nor denies the findings of fact or conclusions of law set forth in the above consent order and agrees to the entry of this order.


Doris J. Livingston

Dated: 6/3/10

The Office of Financial and Insurance Regulation staff approves this stipulation and recommends that the Chief Deputy Commissioner issue the above consent order.



Scott Basel (P68335)
Attorney

Dated: 6-3-10